

Effective 7/1/2015

67-19-44 Abusive conduct.

(1) As used in this section:

(a)

(i) "Abusive conduct" means verbal, nonverbal, or physical conduct of an employee to another employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine:

(A) is intended to cause intimidation, humiliation, or unwarranted distress;

(B) results in substantial physical or psychological harm as a result of intimidation, humiliation, or unwarranted distress; or

(C) exploits an employee's known physical or psychological disability.

(ii) A single act does not constitute abusive conduct, unless it is an especially severe and egregious act that meets the standard under Subsection (1)(a)(i)(A), (B), or (C).

(b) "Employee" means an employee of a state executive branch agency.

(c) "Physical harm" means the impairment of a person's physical health or bodily integrity, as established by competent evidence.

(d) "Psychological harm" means the impairment of a person's mental health, as established by competent evidence.

(2) By July 1, 2015, the department shall make a rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, consistent with the definitions in Subsection (1).

(3)

(a) On and after July 1, 2015, the department shall provide training to educate employees and supervisors about how to prevent abusive workplace conduct.

(b) The training shall include information on:

(i) what constitutes abusive conduct and the ramifications of abusive conduct;

(ii) resources available to employees who are subject to abusive conduct; and

(iii) the grievance process.

(4)

(a) On and after July 1, 2015, each state agency shall provide professional development training approved by the department to promote:

(i) ethical conduct; and

(ii) organizational leadership practices based in principles of integrity.

(b) A state agency may request assistance from the department in developing training under this Subsection (4).

(5) Employees shall participate in the training described in Subsections (3) and (4) in alternating years.

(6) The department may use money appropriated to the department or access support from outside resources to:

(a) develop policies against workplace abusive conduct; and

(b) enhance professional development training on topics such as:

(i) building trust;

(ii) effective motivation;

(iii) communication;

(iv) conflict resolution;

(v) accountability;

(vi) coaching;

(vii) leadership; or

(viii) ethics.

- (7) This section does not:
 - (a) exempt or relieve a person from a liability, duty, or penalty provided by another federal or state law;
 - (b) create a private right of action;
 - (c) expand or diminish rights or remedies available to a person before July 1, 2015; or
 - (d) expand or diminish grounds for discipline that existed before July 1, 2015.
- (8) The department shall report to the Economic Development and Workforce Services Interim Committee by no later than the November 2015 interim meeting regarding:
 - (a) the implementation of this section;
 - (b) recommendations, if any, to appropriately address and reduce workplace abusive conduct or to change definitions or training required by this section; and
 - (c) if the department finds a change in a definition or training is needed, the department's efforts to work with stakeholders to make recommendations for change.

Enacted by Chapter 211, 2015 General Session